UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,894	08/28/2003	Jason Robert McGee	RSW920030102US1	8718

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EXAMINER
BATES, KEVIN T

ART UNIT	PAPER NUMBER
2153	

NOTIFICATION DATE	DELIVERY MODE
08/20/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeeiplaw.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>30 June 2008</u>.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,2,4-12 and 14-20</u> is/are pending in the application.
     4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1,2,4-12 and 14-20</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
     a) ☐ All b) ☐ Some * c) ☐ None of:
         1. ☐ Certified copies of the priority documents have been received.
         2. ☐ Certified copies of the priority documents have been received in Application No. _____.
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Amendment

This Office Action is in response to a communication made on June 30, 2008.

Claims 3 and 13 have been cancelled.

Claims 1, 7, 9, 11, 17, and 19 have been amended.

Claims 1-2, 4-12, and 14-20 are pending in this application.

Examiner's Note

The Examiner would like to note that the present application has been

reassigned to a new Examiner.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 19-20 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. Claim 19 recites an apparatus comprising

means for performing function steps. It is clear from the specification and claim 11, that

those steps in at least one embodiment are performed by software. This shows that

there is at least one embodiment of the claim that is directed towards software only,

which is non-statutory subject matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2, 4, 6-12, and 14-20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Li (6519594) in view of Spotswood (2004/0255293).

Regarding claims 1, 11, and 19, Li teaches a method of generating a logically

merged web module for a web application, comprising:

determining if the application includes a reference to at least one shared module,

that is capable of being incorporated into a plurality of applications (Col. 8, lines 10 –

21), in a shared module designation file, wherein the shared description file includes all

descriptors that reference the shared module (Col. 9, lines 16 – 32);

specifying a path to a location of the at least one shared module (Col. 9, lines 16-

32); and

logically merging the at least one shared module with modules of the web

application, in accordance with the shared module designation file to generate a

logically merged web application (Col. 10, lines 26 – 49).

Li does not explicitly indicate that the applications and modules comprise web

applications and its modules.

Spotswood teaches that web applications can be run using java virtual machine

on a web server (¶56-62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Spotswood's teaching of web applications and their use of web modules and java classes to expand Li's teaching of shared java classes to include web applications running in java virtual machine.

Regarding claims 2, 12, and 20, Li teaches the method of claims 1, 11, and 19, further comprising: loading the logically merged application into a container (Col. 9, lines 5 – 15).

Li does not explicitly indicate a web application running on a web container.

Spotswood teaches that web applications can be run using java virtual machine on a web server (¶56-62), where the applications are run using on a web container (¶76).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Spotswood's teaching of web applications and their use of web modules and java classes to expand Li's teaching of shared java classes to include web applications running in java virtual machine.

Regarding claim 4, Li teaches the method of claim 1.

Li does not explicitly indicate wherein the web application is an enterprise archive (EAR) and wherein the logically merged web application is a logically merged EAR.

Spotswood teaches that web applications can be run using java virtual machine on a web server (¶56-62), indicate wherein the web application is an enterprise archive (EAR) and wherein the logically merged web application is a logically merged EAR (¶49-53).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Spotswood's teaching of web applications and their use of web modules and java classes to expand Li's teaching of shared java classes to include web applications running in java virtual machine.

Regarding claims 6 and 14, Li teaches the method of claims 1 and 11, wherein logically merging the at least one shared web module with web modules of the web application includes: determining a priority associated with the at least one shared web module (Col. 9, lines 59 – 67); and resolving any conflicts between shared web modules in the at least one shared web module and conflicts between the at least one shared web module and web modules of the web application, if any (Col. 8, lines 10 – 21).

Regarding claims 7 and 15, Li teaches the method of claims 1 and 11, wherein the steps of determining, specifying, and logically merging are performed during an initialization process of a runtime environment for initializing the web application to be run on a server (Col. 8, lines 40 – 62).

Regarding claim 8, Li teaches the method of claim 1, wherein logically merging the at least one shared web module with the web modules of the web application includes using a service provider interface (SPI) that provides merge logic for merging different module types (Col. 8, lines 40 – 62).

Regarding claims 9 and 17, Li teaches the method of claims 2 and 12, wherein the container uses one or more application program interfaces (APIs) to identify the path to the at least one shared web module and loads the at least one shared web module when loading the logically merged web application (Col. 9, lines 5 – 9).

Regarding claims 10 and 18, Li teaches the method of claims 1 and 11, wherein logically merging the at least one shared web module with web modules of the web application includes at least one of re-linking references to the at least one shared web module in the web modules of the web application, extrapolating policy information for the at least one shared web module from a policy file associated with the web application, and modifying a class path for the web application to include paths to each of the at least one shared web modules (Col. 9, lines 16 – 31; lines 61 – 67).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Li in view of Spotswood, and further in view of Sharma (6721777).

Regarding claim 5, the combined teaching of Li and Spotswood disclose method of claim 1.

The combination does not explicitly indicate wherein the at least one shared web module includes at least one of a web archive (WAR) file, an enterprise java bean (EJB) archive file, and a resource archive (RAR) file.

Sharma teaches that in addition to the java classes that are shared between applications taught in Li, that web applications can also share resource adaptor modules (Col. 3, lines 13 – 15; lines 29-39).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include these resource adapters in Li's shared memory space to ensure that memory usage gets saved by only running one resource adapter at a time and sharing it between applications.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN BATES whose telephone number is (571)272-3980. The examiner can normally be reached on 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin Bates/
Primary Examiner, Art Unit 2153